

# MINNESOTA PPG MAX WORKPLAN FFY 2013-2016

## LAND POLLUTION CONTROL PROGRAM

### FFY 2015 Report with FFY 2016 Workplan Revisions (if applicable)

Strategic Goal: 3 – Cleaning Up Communities and Advancing Sustainable Development <sup>1</sup>				
Objective 3.2: Preserve Land: Conserve resources and prevent land contamination by reducing waste generation, increasing recycling, and ensuring proper management of waste and petroleum products.				
2011- 2015 Strategic Measures (Outcomes) – Minimize releases of hazardous waste and petroleum products <sup>2</sup>				
Land Pollution Control				
Code	Outputs/Measures (identified from EPA National Program Guidance, Regulations, or Policy)	Progress Target Dates & Contact	State Commitments - Outputs/Measures and Outcomes – (should relate to the Output/Measure in column 1)	Annual Performance Report of Progress Made in Meeting Commitments (Outputs and/or Outcomes) in columns 1 and 3
HW3	HW0 - Number of hazardous waste facilities with new or updated controls.	Katie Koelfgen & Ainars Silis/Regina Small - MPCA/ Gary Victorine/ Mary Setnicar EPA	FFY 2013 Permit Reissuance Commitments: BAE, Siemens Industry, Federal Cartridge, New Page.  FFY 2014 Permit Reissuance Commitments: Gopher Resources, Nexeo Solutions, Federal Cartridge and New Page.  FFY 2015 Permit Reissuance Commitments: SPX.  FFY 2016 Permit Reissuance Commitments: Safety-Kleen Eagan, Safety-Kleen Blaine, Xcel, Alliant Proving Grounds, Federal Cartridge,	<b>FFY 2013 Report:</b> BAE reissued 1/22/13 Siemens Industry reissued 6/18/13  <b>FFY 2014 Report:</b> Gopher Resources reissued 9/10/14 Nexeo reissued 9/2/14 IBM Corrective Action Document 6/20/2014  <b>FFY 2015 Report:</b> No permits were reissued in FFY 2015.

<sup>1</sup> EPA Strategic Goals are located at [ HYPERLINK "<http://www.epa.gov/ocfo/plan/plan.htm>" ]

<sup>2</sup> EPA Measures are from National Program Guidance at <http://www.epa.gov/ocfopage/npmguidance/index.htm>, 40 CFR 35 at [ HYPERLINK "<http://www.gpoaccess.gov/cfr/>" ], and EPA Regional Priorities.

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			Verso Paper (New Page).	
<b>Objective 3.3: Restore Land: Prepare for and respond to accidental or intentional releases of contaminants and clean up and restore polluted sites.</b>				
<b>2011- 2015 Strategic Measures (Outcomes) – Cleanup Contaminated Land<sup>3</sup></b>				
CA1	Number of RCRA facilities with human exposures under control.	Candace Sykora/ Jose Cisneros - EPA	<p><b><u>FFY 2013 Commitments:</u></b> Achieve Human exposures controlled (CA725) at 96% of Minnesota's facilities on the 2020 GPRA baseline list.</p> <p><b><u>FFY 2014 Commitments:</u></b> No change. Human exposures controlled (CA725) at 96% of Minnesota's facilities on the 2020 GPRA baseline list.</p> <p><b><u>FFY 2015 Commitments:</u></b> Achieve Human exposures controlled (CA725) at 97% of Minnesota's facilities on the 2020 GPRA baseline list.</p> <p><b><u>FFY 2016 Commitments:</u></b> Achieve Human exposures controlled (CA725) at 97% of Minnesota's facilities on the 2020 GPRA baseline list.</p>	<p><b><u>FFY 2013 Report:</u></b> Achieved Human exposures controlled (CA725) at 96% of Minnesota's facilities on the 2020 GPRA baseline list.</p> <p><b><u>FFY 2014 Report:</u></b> Achieved Human exposures controlled (CA725) at 96% of Minnesota's facilities on the 2020 GPRA baseline list.</p> <p><b><u>FFY 2015 Report:</u></b> Achieved Human exposures at 97% meeting Minnesota's 2020GPRA goals.</p>
CA2	Number of RCRA facilities with release to groundwater under control (CA750).	Candace Sykora / Jose Cisneros - EPA	<p><b><u>FFY 2013 Commitments:</u></b> Achieve Migration of Groundwater Contamination controlled (CA750) at 94% of Minnesota's facilities on the 2020 GPRA baseline list.</p> <p><b><u>FFY 2014 Commitments:</u></b> No change. Migration of Groundwater Contamination controlled (CA750) at 94% of Minnesota's facilities on the 2020 GPRA baseline list.</p>	<p><b><u>FFY 2013 Report:</u></b> Achieved Migration of Groundwater Contamination controlled (CA750) at 94% of Minnesota's facilities on the 2020 GPRA baseline list.</p> <p><b><u>FFY 2014 Report:</u></b> Achieved Migration of Groundwater Contamination controlled (CA750) at 94% of Minnesota's facilities on the 2020 GPRA baseline list.</p>

<sup>3</sup> EPA Measures are from National Program Guidance at <http://www.epa.gov/ocfopage/npmguidance/index.htm>, 40 CFR 35 at [ HYPERLINK "http://www.gpoaccess.gov/cfr/" ], and EPA Regional Priorities.  
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			<p><b>FFY 2015 Commitments:</b> Achieve Migration of Groundwater Contamination controlled (CA750) at 95% of Minnesota's facilities on the 2020 GPRA baseline list.</p> <p><b>FFY 2016 Commitments:</b> Achieve Migration of Groundwater Contamination controlled (CA750) at 96% of Minnesota's facilities on the 2020 GPRA baseline list.</p>	<p><b>FFY 2015 Report:</b> Achieved Migration of Groundwater Contamination controlled (CA750) at 95% of Minnesota's facilities, meeting Minnesota's 2020GPRA goals.</p>
CA5	Number of RCRA facilities with final remedies constructed.	Candace Sykora/ Jose Cisneros - EPA	<p><b>FFY 2013 Commitments:</b> Achieve Remedies constructed (CA550) at 91% of Minnesota's facilities on the 2020 GPRA baseline.</p> <p><b>FFY 2014 Commitments:</b> Achieve Remedies constructed (CA550) at 93% of Minnesota's facilities on the 2020 GPRA baseline.</p> <p><b>FFY 2015 Commitments:</b> Achieve Remedies constructed (CA550) at 95% of Minnesota's facilities on the 2020 GPRA baseline.</p> <p><b>FFY 2016 Commitments:</b> Achieve Remedies constructed (CA550) at 95% of Minnesota's facilities on the 2020 GPRA baseline.</p>	<p><b>FFY 2013 Report:</b> Achieved Remedies constructed (CA550) at 92% of Minnesota's facilities on the 2020 GPRA baseline.</p> <p><b>FFY 2014 Report:</b> Achieved Remedies constructed (CA550) at 94% of Minnesota's facilities on the 2020 GPRA baseline.</p> <p><b>FFY 2015 Report:</b> Achieved Remedies constructed (CA550) at 95% of Minnesota's facilities- meeting Minnesota's 2020GPRA goals</p>

#### Strategic Goal: 5 – Enforcing environmental Laws<sup>4</sup>

Objective 5.1: Enforce environmental Laws: Pursue vigorous civil and criminal enforcement that targets the most serious water, air, and chemical hazards in communities. Assure strong, consistent, and effective enforcement of federal environmental laws nationwide.

#### 2011- 2015 Strategic Measures (Outcomes) – Support Ensuring the Safety of Chemicals and Preventing Pollution<sup>5</sup>

##### Land Pollution Control

	Hazardous Waste Compliance and Enforcement	Katie Koelfgen & John Elling/ Gary Victorine -	<p>The MPCA will:</p> <ul style="list-style-type: none"> <li>• with EPA, inspect all operating TSDs every 2 years;</li> <li>• with EPA and JPA Counties, inspect LQGs every 5 years unless operating under a</li> </ul>	
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<sup>4</sup> EPA Strategic Goals are located at [ HYPERLINK "<http://www.epa.gov/ocfo/plan/plan.htm>" ]

<sup>5</sup> EPA Measures are from National Program Guidance at <http://www.epa.gov/ocfopage/npmguidance/index.htm>, 40 CFR 35 at [ HYPERLINK "<http://www.gpoaccess.gov/cfr/>" ], and EPA Regional Priorities.

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		<p>EPA</p> <ul style="list-style-type: none"> <li>flexibility plan;</li> <li>address violations in accordance with the MPCA Enforcement Response Plan;</li> <li>collect data and ensure data is entered into appropriate national database systems in a timely manner; and</li> <li>research, develop, test and implement efforts to increase pollution prevention practices, innovate regulatory programs and increase environmental performance.</li> </ul> <p><b><u>FFY 2013 Commitment:</u></b></p> <ul style="list-style-type: none"> <li>During FFY 2013 and FFY 2014, the MPCA and EPA will conduct CEIs at all TSD facilities in the operating universe. For FFY 2013, the MPCA and EPA have determined the universe of operating TSDFs in Minnesota is 14. During FFY 2013, the MPCA has agreed to conduct four TSDF CEIs at operating facilities and EPA will conduct three TSDF CEIs at operating facilities.</li> <li>During FFY 2013, the MPCA, Hennepin County, and EPA will conduct CEIs at 20% of the LQG universe. For FFY 2013, the MPCA and EPA have determined the universe of RCRA LQGs in Minnesota is 393. For FFY 2013, the MPCA and Hennepin County have agreed to conduct CEIs at 63 LQGs and EPA Region 5 has agreed to conduct CEIs at 16 LQGs in order to meet the 20% goal of 79.</li> <li>During FFY 2013 and FFY 2014, the MPCA will conduct additional inspections as required, at generators other than LQGs (e.g. small quantity generators [SQGs], conditionally-exempt small quantity generators [CESQGs], generators with no status and non-notifiers).</li> <li>The MPCA will also conduct "other"</li> </ul>	<p><b><u>FFY 2013 Report:</u></b></p> <ul style="list-style-type: none"> <li>The MPCA conducted 6 CEIs at operating or full enforcement TSDFs, which met the PPA commitment for FFY 2013.</li> <li>The MPCA conducted 41 LQG CEIs and Hennepin County conducted 23 CEIs for a total of 64 LQG CEIs, which exceeded the PPA commitment of 63 for FFY 2013.</li> <li>The MPCA conducted 122 RCRA CEIs during FFY 2013 and identified 17 Significant Non-compliers (SNC), a compliance monitoring SNC rate of 13.9%, and returned 15 SNCs to compliance (SNN).</li> <li>The MPCA executed 1 Stipulation Agreements and issued 2 Non-forgivable Administrative Penalty Orders (APOs), 14 Combination APOs, 27 Notices of Violation, 11 Letters of Warning, and 18 Referrals to Local Units of Government.</li> </ul> <p><b><u>FFY 2014 Report:</u></b></p> <ul style="list-style-type: none"> <li>The MPCA conducted 5 CEIs at operating or full enforcement TSDFs, which met the PPA commitment for FFY 2014.</li> <li>The MPCA conducted 25 LQG CEIs and Hennepin County conducted 22 CEIs for a total of 47 LQG CEIs, which met the PPA commitment of 47 for FFY 2014.</li> <li>The MPCA conducted 78 RCRA CEIs during FFY 2014 and</li> </ul>
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			<p>inspections as required including sampling inspections, citizen complaint investigations, follow-up inspections, case development inspections, non-financial record reviews, etc.</p> <ul style="list-style-type: none"> <li>• All violations discovered by the MPCA will be addressed in accordance with MPCA's <i>Enforcement Response Plan</i>, including the "RCRA (Hazardous Waste) Standard Guidance" section.</li> <li>• The MPCA will translate Compliance, Monitoring and Enforcement (CM&amp;E) data into the RCRAInfo database on, at minimum, a monthly basis and more often as required. In addition, MPCA will differentiate inspections conducted by Hennepin County inspectors from those conducted by MPCA inspectors in the RCRAInfo database.</li> </ul>	<p>identified 6 Significant Non-compliers (SNC), a compliance monitoring SNC rate of 7.7%, and returned 9 SNCs to compliance (SNN).</p> <ul style="list-style-type: none"> <li>• The MPCA executed 3 Stipulation Agreements and issued 1 Non-forgivable Administrative Penalty Orders (APOs), 5 Combination APOs, 7 Notices of Violation, 5 Letters of Warning, and 11 Referrals to Local Units of Government.</li> </ul> <p><b><u>EPA Comments:</u></b></p> <ul style="list-style-type: none"> <li>• The MPCA conducted 5 CEIs at operating or full enforcement TSDFs. MPCA met the two year TSDF CEI PPA commitment with EPA assistance.</li> <li>• The MPCA conducted 28 LQG CEIs and Hennepin County conducted 22 CEIs for a total of 50 LQG CEIs. MPCA exceeded the 20% LQG CEI universe commitment with EPA and Hennepin County assistance.</li> <li>• The MPCA conducted 77 RCRA CEIs during FFY 2014 and identified 6 Significant Non-compliers (SNC), a compliance monitoring SNC rate of 7.7%, and returned 9 SNCs to compliance (SNN).</li> <li>• The MPCA executed 3 Stipulation Agreements; and issued 1 Non-forgivable Administrative Penalty Order (APO), 5 Combination APOs, 8 Notices of Violation, 6 Letters of Warning, 11 Referrals to Local Units of Government, 2 verbal informal actions, and 5 information requests.</li> </ul> <p><b><u>FFY 2015 Report:</u></b></p> <ul style="list-style-type: none"> <li>• The MPCA conducted 6 CEIs at operating or full enforcement TSDFs, which met the PPA commitment for FFY 2015.</li> <li>• The MPCA conducted 33 LQG CEIs and Hennepin County conducted 22 CEIs for a total of 55 LQG CEIs, which met the PPA commitment of 50 for FFY 2015.</li> <li>• The MPCA conducted 88 RCRA CEIs during FFY 2015 and identified 8 Significant Non-compliers (SNC), a compliance monitoring SNC rate of 9%, and returned 3 SNCs to</li> </ul>
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				<p>compliance (SNN).</p> <ul style="list-style-type: none"> <li>The MPCA executed 2 Stipulation Agreements and issued 1 Non-forgivable Administrative Penalty Order (APO), 2 Combination APOs, 10 Notices of Violation, 4 Letters of Warning, and 12 Referrals to Local Units of Government.</li> </ul>
	RCRA Authorization	Katie Koelfgen & John Elling/Gary Victorine - EPA	<p><b><u>FFY 2013 Commitments:</u></b></p> <p>June 23, 2011, final EPA approval of the MPCA's hazardous waste program authorization revision application (ARA 10). The MPCA is tracking possible rule amendments to include in a future ARA 11. Some EPA RCRA rules are now incorporated into MN Rules by reference.</p> <p>The MPCA commits to conducting meetings with the EPA to discuss EPA's RCRA authorization priorities by June 2013.</p>	<p><b><u>FFY 2013 Report:</u></b></p> <p>MPCA is conducting "housekeeping" rule changes for RCRA/MN 7045 rules in the next couple of months. MPCA is also looking into future RCRA authorization with EPA.</p> <p><b><u>FFY 2014 Report:</u></b></p> <p>MPCA is conducting "housekeeping" rule changes for RCRA/MN 7045 rules in the next couple of months. MPCA is still looking into future RCRA authorization with EPA.</p> <p><b><u>FFY 2015 Report:</u></b></p> <p>MPCA is conducting "housekeeping" rule changes for RCRA/MN 7045 rules in the next couple of months. MPCA is still looking into future RCRA authorization with EPA.</p>
	RCRA Info	Steve Gorg/Darnell Wilson – EPA	<p>MPCA will ensure the timely entry of all RCRAInfo data fields for which it is the State implementer of record (IOR). Data entry is required within one month of the completion of any recordable RCRA program activity, <i>subject to the availability of RCRAInfo and timely notice of changes to its structure and requirements</i>. Entry of certain non-final compliance monitoring, evaluation and enforcement activities may be delayed until the requirements of the Minnesota Data Practices Act relating to not-public data are satisfied. MPCA will also submit biennial report files in accordance with future timeframes established by EPA's Office of Solid Waste.</p>	

			<p><b><u>FFY 2013 Commitments:</u></b></p> <p>Minnesota will continue to work on automated data transfer solutions utilizing the exchange network. During this process, Minnesota will continue to satisfy data sharing commitments with a combination of automated and manual data management. Minnesota is prepared to complete the Biennial Reporting activities that occur during this year.</p> <p>MPCA will meet monthly on a conference call with regional representatives to discuss progress on biennial report and any problems that may arise. We will also discuss progress on the extract flag for the handler module and the updated RCRAInfo structural change when this takes place this is dependent on ORCR. Regional representatives are committed to a successful BR13 load for every state.</p>	<p><b><u>FFY 2013 Report:</u></b></p> <p>During FFY2013 the MPCA chartered and launched a RCRA Automated Data Flow Project to further develop automated data transfer solutions through the Exchange Network. All known code issues have been resolved and files are successfully able to be submitted yet additional data fixes continue to be worked on to resolve EPA error messages; EPA's CDX production and test environment were not available due to the federal government shutdown. Throughout this process, MPCA satisfied data management commitments while participating in the monthly conference call.</p> <p><b><u>FFY 2014 Report:</u></b></p> <p>During FFY2014 the MPCA further developed automated data transfer solutions through the Exchange Network. Throughout this process, MPCA satisfied data management commitments while participating in the monthly conference call. The MPCA applied for a 2015 NEIEN Grant (Grants.gov Tracking Number GRANT11787390) to acquire funding to assist in the streamlining and modernization of the management of MPCA's electronic submissions for the RCRA Biennial Report.</p> <p><b><u>FFY 2015 Report:</u></b></p> <p>During FFY2015 the MPCA participated in monthly conference calls and further developed automated data transfer solutions through the Exchange Network while satisfying data management commitments.</p>
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Strategic Goal 5: Enforcing Environmental Laws				
Objective 5.1: Enforcement Environmental Laws. Pursue vigorous civil and criminal enforcement that targets the most serious water, air, and chemical hazards in communities. Assure strong, consistent, and effective enforcement of federal environmental laws nationwide.				
2011-2015 Strategic Measures (Outcomes) - Maintain Enforcement Presence <sup>6</sup>				
Categorical Grant: Toxic Substances Compliance – Lead, PCBs & Asbestos				
Outputs/Measures (identified from EPA National Program Guidance, Regulations, or Policy)		Progress Target Dates	State Commitments - Outputs/Measures and Outcomes – (should relate to the Output/Measure in column 1)	Reporting for Final Report or Annual Performance Report of Progress Made in Meeting Commitments (Outputs and/or Outcomes) in columns 1 and 3
TSC-G01	Total number of PCB inspections conducted by state. (PCB permitted facilities need to be inspected once every 3 years)	Katie Koelfgen & John Elling/Mardi Klevs - EPA	<b>FFY 2013 Commitments:</b> 20 PCB inspections per year for each of the EnPPA year at current funding level. *Of these 20 PCB inspections, there are two Approved PCB Commercial Storage facilities in Minnesota, which need to be inspected every three years - therefore, we will do one of these facilities in two out of every three years – John Elling.	<b>FFY 2013 Report:</b> The MPCA completed 20 PCB inspections; included in the 20 inspections the MPCA conducted 1 PCB storage facility (Xcel).  <b>EPA Comments:</b> Of the 20 inspections completed by MPCA inspectors, 16 were conducted at natural gas pipeline facilities. Condensate sampling was performed at two of these facilities.  <b>FFY 2014 Report:</b> The MPCA completed 10 PCB inspections; 1 pipeline; 9 electrical utility.  <b>EPA Comments:</b> During FFY 2014, MPCA trained a new field inspector on PCB inspections, including on-the-job field training during the PCB inspections completed by MPCA. These activities were in accordance with EPA Order 3500.1 and the Guidance for Credentialing State and Tribal Inspectors.  MPCA has been fully funded out to September 30, 2016, under the TSCA cooperative agreement for the current PPG. MPCA

<sup>6</sup> The Compliance and Enforcement Guidance is located at: ([ HYPERLINK "http://www.epa.gov/ocfo/plan/pdfs/strategic\_plan\_change\_document\_9-30-08.pdf" ])



				<p>should continue to complete their minimum commitment of 20 inspections per fiscal year, as established in the workplan. Additionally, during the remainder of the current PPG, MPCA must also complete the 10 inspections that were not performed in FY 2014.</p> <p>The collection of environmental samples at investigation sites continued to be accomplished when appropriate. This activity must continue, as it adds to the evidence for any non-compliance by operators of facilities handling PCB containing equipment, materials, and/or waste.</p> <p><b><u>MPCA response:</u></b> Comments duly noted.</p> <p><b><u>FFY 2015 Report:</u></b> The MPCA conducted 20 inspections for FFY2015, (19 Electrical utilities and 1 Natural Gas utilities)</p>
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